



State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
5/29/1992

WATER RIGHT NUMBER
S3-29210

MAILING ADDRESS
RICHARD FOREST
PO BOX 234
REPUBLIC WA 99166

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
10	GPM	0.5

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic supply (includes ¼ acre garden area) and fire protection as needed	10		GPM	0.5		05/01 - 9/30

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA					
FERRY	GRANITE CREEK	SANPOIL RIVER	52-SANPOIL					
SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
GRANITE CREEK	3732190005		37N	32E	19	SENW	48.6928	118.8368

Datum: NAD83/WGS84

REPORT OF EXAMINATION

Place of Use (See Attached Map)**PARCELS (NOT LISTED FOR SERVICE AREAS)**

3732190005

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

N½ of Govt. Lot 2, Section 19, T. 37 N., R. 32

Proposed Works

Gas pump and storage tanks

Development Schedule**BEGIN PROJECT**

May 1, 2014

COMPLETE PROJECT

May 1, 2015

PUT WATER TO FULL USE

May 1, 2016

Measurement of Water Use

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm)

Provisions**Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/about/contact/>

No dam or weir shall be constructed in connection with this diversion.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-29210, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2013.

Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-29210.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Republic- Newport Minor on March 4 and 11, 1993. No protests were received

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. The Department of Fish and Wildlife requested Granite Creek be closed to new appropriations and the application be denied as Granite Creek supports resident fish.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted by Kevin Brown on April 19, 2013. The applicant has constructed a residence on the property. There is currently no power to the site and the property uses other alternatives for power. A well was constructed in 2007. The well was a 6-inch well constructed to a depth of 440 feet. At the time of construction the well did not produce any water. Over time water has entered into the well and the owner claims the well produces around 400 gallons per month. He would still like to install a pump and delivery line to the creek for purposes of a garden area and fire protection. A storage tank would likely be required. The elevation distance to the creek is approximately 200 feet. Lacking electrical power, it will be difficult to construct a system to pump water 200 feet up to the residence.

Granite creek was flowing between 15-20 cubic feet per second at the time of the field examination.

The applicant does not intend to use the source for drinking water purposes, only a small garden area and fire protection as the house is relatively isolated. The Washington State Irrigation Guide (WA210-VI-WAIG, AMEND.1NOVEMBER1990 at Republic, Washington) estimates that 18 inches of water or 1.6 acre-feet per acre (based on 70% system efficiency) will be required. Therefore, 0.5 acre-feet of water should be adequate for the irrigation of $\frac{1}{4}$ acre.

Beneficial Use

Irrigation of a garden and fire protection are beneficial uses.

Policy 2015 allows for the construction of facilities for firefighting and fire protection purposes. Use of water for firefighting purposes is consistent with this policy. Due to the distance and elevation of the source in this case, water may be diverted and stored for firefighting purposes.

Water Availability

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well.

The Department of Fish and Game has expressed concern over new appropriations in Granite Creek. The applicant has attempted to construct alternative means to supply his minimal domestic needs at the property without finding a sufficient supply of water for basic needs.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion. There are no other water rights appurtenant to the applicant's property. Three water right documents are located approximately two miles downstream from the proposed diversion. Due to the minimal amount of water authorized under this request it is determined these existing rights will not be impaired.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that public surface water, from Granite Creek, is available for domestic use of irrigation of $\frac{1}{4}$ acre of garden. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.02 cubic feet per second

0.5 acre-foot per year

Domestic use of $\frac{1}{4}$ acre of garden and fire protection

Point of Diversion: N $\frac{1}{2}$ of Govt. Lot 2 of Section 19, Township 37 North, Range 32 E.W.M.

Kevin Brown, Report Writer

Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.